



# National Labor Relations Board

## Weekly Summary of NLRB Cases

Division of Information

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CASES SUMMARIZED  
VISIT [WWW.NLRB.GOV](http://WWW.NLRB.GOV) FULL TEXT

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Press Release ([R-2664](#)): Sue Crochet Appointed Deputy Regional Director in NLRB's  
New Orleans, LA Regional Office

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*Dedicated Services, Inc.* (29-CA-28447; 352 NLRB No. 93) Richmond Hill, NY June 27, 2008. The Board adopted the administrative law judge's findings that the Respondent violated Section 8(a)(2) and (1) of the Act by informing applicants that they must sign dues-checkoff authorization cards for Journeymen and Allied Trades Local 713 as part of the application process and by recognizing Local 713 at a time when it lacked majority support among employees at the Respondent's Richmond Hill facility. In making the latter finding, the Board rejected the Respondent's defense that the Richmond Hill employees had been lawfully accreted into an existing unit of employees at its Queens Village, NY facility. The Board assumed, without deciding, that the date on which the Respondent recognized Local 713 was the operative date for the accretion analysis. Because Local 713 did not have majority support at the time of recognition, Member Liebman found it unnecessary to rely upon the judge's discussion of the General Counsel's alternative theory that the recognition was otherwise premature and unlawful. Finally, the Board adopted the judge's finding that the Respondent violated Section 8(a)(3), (2), and (1) by executing a collective-bargaining agreement with Local 713 that contained a union-security clause. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Schaumber and Member Liebman participated.)

Charge filed by Amalgamated Transit Union Local 1181-1061; complaint alleged violation of Section 8(a)(1), (2), and (3). Hearing at Brooklyn on Dec. 17, 2007. Adm. Law Judge Steven Fish issued his decision March 4, 2008.

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*Northeastern Land Services, Ltd. d/b/a The NLS Group* (1-CA-39447; 352 NLRB No. 89) Providence, RI June 27, 2008. The Board reversed the administrative law judge's decision dismissing the complaint. The Board concluded that the Respondent violated Section 8(a)(1) of the Act by maintaining an overbroad confidentiality provision in its employment contracts. Specifically, the Board found that the confidentiality provision – which provided, in pertinent part, that an employee's disclosure of his terms of employment to other parties could constitute grounds for dismissal – was unlawfully overbroad because employees reasonably would construe it as prohibiting discussions of terms and conditions of employment with union representatives, activity protected by Section 7 of the Act. [\[HTML\]](#) [\[PDF\]](#)

Further, relying on Board precedent establishing that an employer's imposition of discipline pursuant to an unlawfully overbroad rule is necessarily unlawful, the Board additionally concluded that the Respondent violated Section 8(a)(1) by terminating employee Jamison Dupuy for discussing terms of his employment with a client, i.e., breaching the above-described confidentiality provision. Chairman Schaumber noted, however, that he "questions the theory that an employer's imposition of discipline pursuant to an unlawfully overbroad rule is necessarily unlawful."

(Chairman Schaumber and Member Liebman participated.)

Charge filed by Jamison Dupuy, an individual; complaint alleged violation of Section 8(a)(1). Hearing at Providence on May 8, 2002. Adm. Law Judge Joel P. Biblowitz issued his decision June 27, 2002.

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**LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES**

*Premier Home Health Care Services, Inc. d/b/a Metropolitan Home Health Care*  
(SEIU 119 New Jersey Health Care Union) Elmwood Park and Weehawken, NJ June 26, 2008.  
22-CA-28089; JD(NY)-23-08, Judge Eleanor MacDonald.

*Palmer House Hilton and UNITE HERE Local 1* (an Individual) Chicago, IL June 27, 2008.  
13-CA-44223, 13-CB-18772; JD(ATL)-22-08, Judge Keltner W. Locke.

*Rochelle Waste Disposal, LLC* (Operating Engineers Local 150) Rochelle, IL June 27, 2008.  
33-CA-15298, 33-RC-5002; JD(ATL)-23-08, Judge George Carson II.

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**NO ANSWER TO COMPLAINT**

***(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)***

*Postal Mail Handlers, Division of Laborers Local 304 (United States Postal Service)*  
(an Individual) (9-CB-11918; 352 NLRB No. 91) Lexington, KY June 26, 2008.

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**TEST OF CERTIFICATION**

***(In the following cases, the Board granted the General Counsel's motion for summary judgment on the grounds that the Respondent has not raised any representation issue that is litigable in the unfair labor practice proceeding.)***

*Bally's Park Place, Inc. d/b/a Bally's Atlantic City* (Auto Workers) (4-CA-36109;  
352 NLRB No. 95) Atlantic City, NJ June 27, 2008.

*Bloomfield Health Care Center* (New England Health Care Employees Union, District 1199,  
SEIU) (34-CA-12029; 352 NLRB No. 94) Bloomfield, CT June 27, 2008.

*Talmadge Park, Inc.* (New England Health Care Employees Union, District 1199, SEIU)  
(34-CA-12003; 352 NLRB No. 90) East Haven, CT June 26, 2008.

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**LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS  
IN REPRESENTATION CASES**

*(In the following cases, the Board considered exceptions to  
reports of Regional Directors or Hearing Officers)*

**DECISION AND ORDER REMANDING  
[proceeding to Hearing Officer for further action]**

*Allied Waste Systems, Inc., d/b/a Newby Island Recyclery, Milpitas, CA, 32-RC-5533,  
June 26, 2008 (Chairman Schaumber and Member Liebman)*

**DECISION AND CERTIFICATION OF RESULTS OF ELECTION**

*Crest-Foam Corp. d/b/a Legget & Platt Edison, Edison, NJ, 22-RM-753, June 27, 2008  
(Chairman Schaumber and Member Liebman)*

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*(In the following cases, the Board adopted reports of  
Regional Directors or Hearing Officers in the absence of exceptions)*

**DECISION AND CERTIFICATION OF REPRESENTATIVE**

*MV Transportation, Inc., Arcadia, CA, 21-RC-21024, June 25, 2008*

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*(In the following cases, the Board denied requests for review  
of Decisions and Directions of Elections (D&DE) and  
Decisions and Orders (D&O) of Regional Directors)*

*Holyoke Visiting Nurses Assn., Inc., Holyoke, MA, 1-UC-860, June 26, 2008  
(Chairman Schaumber and Member Liebman)*

*Jackson-Vinton Community Action, Inc., Jackson, OH, 9-RD-2166, June 26, 2008  
(Chairman Schaumber and Member Liebman)*

*Public Service Co. of New Hampshire, Manchester, NH, 1-RC-22168, et al., June 27, 2008  
(Chairman Schaumber and Member Liebman)*

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